

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7401 OF 2007

DATED 12.04.2007

BETWEEN

M/s.Hanuman Nagar Waddera Labour Contract
Cooperative Society, rep.by its President Bathula Yedukondalu

... Petitioner

AND

The Deputy Director of Mines and Geology, Guntur, Guntur Distriat and
another.

... Respondents

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7401 OF 2007

ORDER:

M/s.Hanuman Nagar Waddera Labour Contract Cooperative Society,
Perecherla, Guntur District, filed the instant writ petition seeking a writ of

Mandamus directing the respondents, namely, the Deputy Director of Mines and Geology, Guntur and the Director, Mines and Geology, Hyderabad, to grant lease to the petitioner immediately preferably before 15.04.2007 in respect of land in plot No.6 (part) and 13 (part) comprised in survey Nos.151/A1 situated at Chinapalakaluru Village, Guntur Rural Mandal and District.

The petitioner is statedly a registered cooperative society. Its members are engaged in cutting the stones to different sizes. They allege that rocky hillocks in Guntur District are being leased out to various Waddera Cooperative Societies for a period of five years at a time for cutting the stones to different sizes used as road metal and construction material. The petitioner society submitted an application under Rule 9 of A.P.Minor Mineral Concession Rules, 1966 (the Rules, for brevity) on 16.01.2007 duly paying the requisite application charges. It appears the area for which the petitioner applied for was already leased out to some individuals and lease period is coming to an end on 15.04.2007. The petitioner society therefore requested the respondents to grant lease to it before that date, in vain. Therefore, the petitioner filed the instant writ petition.

A mining lessee has a right of renewal for the first time after expiry of initial lease period. If an application is made within ninety days before expiry of lease period as prescribed in the Rule 13(2) of the Rules, till such application is considered by the competent authority, the existing lessee can continue the lease. Curiously, the petitioner has not impleaded the existing lessees except stating the lease given to individuals is coming to an end on 15.04.2007. This only shows that by seeking a leave to grant lease before 15.04.2007, the petitioner is trying to defeat the rights of existing lessees who have in normal circumstances have right to seek renewal.

The writ petition is not *bona fide* and is accordingly dismissed. No costs.

(V.V.S.RAO,J)

12.04.2007.

pln